

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

GREGORY GREENHAW, as Personal Representative  
of the Estate of BETTY LOU GREENHAW, Deceased,  
BRAD CUMMINGS, as Personal Representative  
of the Estate of LINDA JANE CUMMINGS, Deceased, and  
BRAD CUMMINGS, as Personal Representative  
of the Estate of JIMMY CHRIS CUMMINGS, Deceased,

Plaintiffs,

v.

Cause No. 1:23-cv-00893-KK-JFR

THE UNITED STATES OF AMERICA,

Defendant.

**PLAINTIFFS' UNOPPOSED MOTION FOR ORAL ARGUMENT / HEARING**

COME NOW, Plaintiffs, BRAD CUMMINGS, as Personal Representative of the ESTATE OF JIMMY CHRIS CUMMINGS, Deceased, BRAD CUMMINGS, as Personal Representative of the ESTATE OF LINDA JANE CUMMINGS, Deceased, and GREGORY GREENHAW, as Personal Representative of the ESTATE OF BETTY LOU GREENHAW, Deceased, by and through counsel of record, Law Offices of David M. Houliston (David M. Houliston) and Clark, Fountain, La Vista, Littky-Rubin & Whitman (Daniel D. Walker and Mark W. Clark), and pursuant to D.N.M.LR-Civ. 7.6, respectfully requests oral argument of Defendant's Motion to Dismiss their Complaint [Doc. 13].

In support of the Motion, Plaintiff states:

1. Defendant The United States of America ("USA") filed its Motion to Dismiss Under Federal Rule of Procedure 12(b)(1) for Lack of Subject-Matter Jurisdiction ("Motion to Dismiss") on January 15, 2024 [Doc. 13].

2. Plaintiffs' Response and Memorandum of Law Opposing Defendant's Motion to Dismiss was filed on May 6, 2024 [Doc. 25].

3. Defendant USA filed its Reply in Support of Motion to Dismiss on July 8, 2024 [Doc. 31].

4. Briefing is now complete, and pursuant to D.N.M.LR-Civ. 7.6, respectfully requests oral argument of Defendant's Motion to Dismiss.

5. Pursuant to D.N.M.LR-Civ. 7.1, concurrence of counsel was sought. Counsel for Defendant USA does not oppose this Motion.

WHEREFORE, Plaintiffs respectfully request the Court set oral argument of Defendant's Motion to Dismiss.

Respectfully submitted:

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY on July 19, 2024 I filed the foregoing pleadings electronically through the CM/ECF electronic filing system, which caused the parties or counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

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